UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

JAMES R. LUPTON, III.,

CASE NO. 1:15-CV-1068

Plaintiff,

V.

OPINION & ORDER [Resolving Doc. No. 1]

CAROLYN COLVIN, Acting Commissioner of Social Security,

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On May 28, 2015, Plaintiff James R. Lupton, III. filed a Complaint under 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security's denial of his claim for disability benefits. ¹ In his Complaint, Plaintiff Lupton argued that the Commissioner's decision is not supported by substantial evidence and is contrary to law and regulations and Social Security Rulings. ²

Consistent with Local Rule 72.2, this case was automatically referred to Magistrate Judge Nancy A. Vecchiarelli. On January 12, 2016, Magistrate Judge Vecchiarelli issued a Report and Recommendation that recommended this Court reverse the Commissioner's denial of Plaintiff Lupton's claim for disability benefits and remand the case back to the ALJ for further proceedings.³ Neither party objects to the Magistrate Judge's recommendation.⁴

¹ Doc. <u>1</u>.

² *Id*.

³ Doc. <u>16</u>. ⁴ Doc. <u>17</u>.

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Gwin, J.

The Federal Magistrates Act requires a district court to conduct a de novo review only of

those portions of a Report and Recommendation to which the parties have made an objection.⁵

Absent objection, a district court may adopt the magistrate judge's report without review.⁶

Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees

with the conclusions of Magistrate Judge Vecchiarelli.

Accordingly, the Court ADOPTS in whole Magistrate Judge Vecchiareli's findings of

fact and conclusions of law and incorporates them fully herein by reference. The Court thus

REMANDS this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: February 4, 2016

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

⁵ 28 U.S.C. § 636(b)(1)(C).

⁶ Thomas v. Arn, 474 U.S. 140, 149 (1985).